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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John I. Compton
Serial No.: 10/635,403 Art Unit: 2613
Filed: August 7, 2003 (Leslie C. Pascal)
Title: Wireless Object Counter

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

AMENDMENT UNDER 37 C.F.R. 312

Dear Sir:

Please amend this application as follows:

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COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Dear Sir:

In the Notice of Allowance, the Examiner stated in lines 6 and 7, page 2 and lines 1 and 2, page 3 that a clock controller (110), identified as a crystal oscillator in column 6, line 43 of Goodson et al, is synchronized with the transmitting clock and referenced column 9, lines 3-12.

Column 9, lines 3-5 state that "the receiver is programmed to synchronize itself with the burst rate of the transmitter." First, this is not referring to synchronization of the frequency of the oscillator 110 of the receiver with the frequency of the oscillator 64 of the transmitter circuit of Goodson et al. Instead, this is referring to software that is programmed. The use of "programmed" in Goodson et al refers to software as shown, for example, in column 11, lines 60 and 61 of Goodson et al. Column 7, line 61 refers to "program instructions"; it is urged that this also refers to software.

Column 11, lines 57-62 describe permissible time windows that have been programmed by the user with software controlling a

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processor 108, which activates the camera via a transistor 168. This control of the processor 108 by the software prevents the camera from operating for a preselected time.

Another example of "programmed" being referenced to software is found in column 11, lines 23-27. This states that two different "windows" of time can be programmed into the machine to permit the camera to take photographs only during the programmed time periods.

Column 12, lines 10-15 discuss the programmability of the number of pulses per burst, the time between bursts, and the number of bursts that must go undetected before an event is indicated. This provides the device with the ability to be "custom tailored" to the particular operating conditions it is expected to encounter.

Accordingly, it is submitted that the terms programmed and programmability in Goodson et al are referring to software in the receiver.

Column 6, lines 2-8 of Goodson et al set forth that the number of pulses in each burst may be controlled by outputs Q4-Q6 of frequency divider circuit 62 (see FIG. 4) with Q4 being 4 pulses, Q5 being 8 pulses, and Q6 being 16 pulses. The specified output is determined solely by the position of a switch 104. Thus, the production of the pulses by the transmitter circuit are determined by the clock (oscillator 64), but the oscillator 110 (clock circuit) is not synchronized with the clock circuit 64 in Goodson et al. Instead, any of the burst rates of infrared energy

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of the transmitter can be received and the time period between the burst rates also can be determined by the software of the receiver circuit.

Second, as stated in lines 5-7, column 9, the receiver accepts bursts of infrared energy in its set up mode in which it is able to detect and lock in the burst rate. This is not synchronization of a clock circuit of the receiver circuit with the clock circuit of the transmitter circuit as the allowed claims recite.

The claims not only require synchronization of the clock circuit of the receiver with the clock circuit of the transmitter but they also require that the clock circuit of the receiver have the same frequency as the clock circuit of the transmitter. This is not true in Goodson et al because the frequency divider circuit 62 provides different frequencies so that the frequency of the oscillator 64 (identified by the Examiner as the clock circuit) is not the frequency output of the frequency divider circuit 62 at Q9, Q10, Q12, and Q13. Each of these outputs determines the time interval t_0-t_2 between the initiation of successive bursts (burst rate) with only one of the four outputs Q9, Q10, Q12, and Q13 being connected by a switch 106 to provide a frequency from the frequency divider circuit 62 (see column 6, lines 16-23).

As set forth in column 9, lines 5-7 of Goodson et al, the receiver accepts bursts of infrared energy in the set up mode and is able to detect and lock in the burst rate. This is not

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synchronizing the oscillator 110, identified as a clock controller by the Examiner, with the transmitter clock (oscillator 64).

Additionally, as previously mentioned, the statement that the clock controller (110) is synchronized with the transmitting clock (64) (column 9, lines 3-12) is not correct. The numeral 110 identifies the oscillator of the receiver, and there is no synchronization of it with the oscillator 64 of the transmitter circuit of Goodson et al. This also is described in lines 19-23, page 1 of the application.

The Examiner identified the frequency divider circuit 62, which has the outputs Q9, Q10, Q12, and Q13, as a counter. The frequency divider circuit 62 of Goodson et al is in the transmitter circuit whereas the allowed claims call for the counter to be in the receiver.

It is respectfully suggested that the statement of reasons for allowance should be revised as follows:

The closest prior art of record is Goodson et al. Goodson et al teach a transmitter which has a clock circuit (64), infrared transmitter (88) which produces a burst of a predetermined number of pulses during a predetermined time period (column 5, line 67-column 6, line 2); a receiver which has a microcontroller (108), an oscillator (110) which is not synchronized with the oscillator 64. Goodson et al do not teach nor render obvious a clock circuit (oscillator 110) of the receiver having the same frequency as the clock circuit (oscillator 64) of the transmitter and the

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oscillator 110 being synchronized with the oscillator 64, and a counter in the receiver. Goodson et al also do not teach nor render obvious a microcomputer at the receiver which renders the receiver effective a predetermined time period before each burst from the transmitter, counting each time that the beam of bursts of at least the predetermined minimum number of the pulses is interrupted and ceasing to cycle for a predetermined period of time when the receiver does not receive one of the bursts for a predetermined number of cycles of operation of the microcomputer.

Accordingly, in view of the foregoing, it is respectfully requested that the statement of reasons for allowance be revised, as previously set forth, to describe the differences between Goodson et al and the allowed claims.

Respectfully submitted,

Frank C. Leach, Jr.

859, 266-0169

Frank C. Leach, Jr.
Attorney for Applicant

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax No. (571) 273-8300) on January 27, 2007

Frank C. Leach, Jr.

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